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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,099

Applicant(s)

PACKINGHAM ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 8-14 and 16-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson et al. (US 6,014,427).

Regarding **claim 1**, Hanson discloses a voice mail with embedded executable responses (column 1, lines 6-8), (which reads on claimed “a voice command platform”) programmed;

to receive a call (column 3, line 40 “dials”) from a user (column 3, lines 38-43)
[The user dials the voice mail system controller to gain access];

to answer the call (column 3, lines 43-46) [The system controller answers the call]; and

to send to the user a speech signal (column 4, line 1 “A prompt is played”) representing a consolidated summary of counts of messages (column 4, line 2 “you have N new messages”) waiting for the user at a plurality of message portals (column 4, lines 1-8) [The system controller receives and answers the call and played a prompt to the customer for the count of new messages stored].

Regarding **claim 2**, Hanson discloses to maintain a record of counts of messages waiting for the user at the plurality of message portals (column 4, lines 1-8).

Regarding **claim 8**, Hanson discloses to personalize the consolidated summary based on a notification profile maintained for the user (column 5, lines 9-30).

Regarding **claim 9**, Hanson discloses wherein the notification profile for the user indicates parameters to include in the consolidated summary, and wherein the platform therefore includes those parameters in the consolidated summary (column 5, lines 9-30).

Regarding **claim 10**, Hanson discloses wherein the notification profile for the user indicates user-specific name of at least one of the message portals, and wherein the consolidated summary refers to the message portal by the user-specific name (column 3, lines 17-32).

Regarding **claim 11**, Hanson discloses a voice mail with embedded executable responses (column 1, lines 6-8), (which reads on claimed “voice command platform”) comprising:

a user communication interface (206 on FIG. 2) for communicating with users (102 and 104 on FIG. 1) via a telecommunications network (column 3, lines 17-32) [The mailbox network interface is used to facilitate communication];

a processor (202 on FIG. 2);

an application-processing module (226 on FIG. 2) executable by the processor to process voice command applications (column 4, line 20 “action message”), the voice command applications defining user-prompts (column 4, line 1 “a prompt”), allowed grammars (column 5, line 10 “templates”), and application logic (column 5, lines 9-22) [The message script generator offers the message creator a template menu for choices of the individual responses to the sender];

a voice-processing module (210 on FIG. 2) executable by the processor to recognize the allowed grammars in speech signals (column 4, line 30 “responses”) received from a user (column 4, line 29 “message creator”) via the user communication interface, and to convert the user-prompts into speech signals for transmission to the user via the user communication interface (column 4, lines 28-31) [The message retrieval and playback module allows the defined responses offered to the voice messages recipient];

a user profile store (column 5, line 23 “templates”) including, respectively for each of a plurality of users (102 and 104 on FIG. 1), a consolidated message summary

indicating counts of messages (column 4, line 2 “you have N new messages”) waiting for the user at a plurality of message portals (column 5, lines 23-30) [The specifications of the message may be sent and stored so the playback system can reconstruct the original action message]; and

consolidated-message-notification logic (222 on FIG. 2) executable by the processor to communicate to a given user (column 4, line 2 “user”), via the user communication interface, an indication of the counts of messages waiting (column 4, line 2 “you have N new messages”) for the user at the plurality of message portals, as reflected by the message summary for the given user (column 4, lines 1-8) [A prompt is played to the user for the number of the new messages stored for that user].

Regarding **claim 12**, Hanson discloses wherein the consolidated-message notification logic is executable to communicate the indication to the user at the initiation of a voice command session with the user (column 4, lines 28-50).

Regarding **claim 13**, Hanson discloses, wherein:

the processor receives update-messages from the plurality of message portals, the update messages indicating updated counts of messages waiting at the message portals for at least one user (column 3, lines 25-32); and

based on the update-messages, the processor updates the consolidated message summary for at least one user (column 4, lines 1-8).

Regarding **claim 14**, Hanson discloses portal-polling logic executable by the processor to request updates of message waiting counts from the plurality of message portals, wherein the processor receives the update-messages in response (column 3, lines 25-32).

Regarding **claims 16 and 23**, Hanson discloses wherein the user communication interface communicates with at least some users over a communication path comprising a wireless communication link (column 2, lines 50-54).

Regarding **claim 17**, Hanson discloses a voice mail with embedded executable responses (column 1, lines 6-8), (which reads on claimed "a method") comprising:

receiving from each of a plurality of separate message-portals (216 and 219 on FIG. 2) a respective message waiting count (column 4, line 2 "you have N new messages") for a common user (column 4, lines 1-8) [The system controller receives the call and played a prompt to the customer for the count of new messages stored];

receiving a voice call (column 3, line 40 "dials") from the common user (column 3, lines 38-43) [The user dials the voice mail system controller to gain access]; and

presenting to the common user a spoken summary (column 4, line 2 "you have N new messages") of the respective message-waiting counts for the plurality of separate message-portals (column 4, lines 1-8) [The system controller receives and answers the call and played a prompt to the customer for the count of new messages stored].

Regarding **claim 18**, Hanson discloses polling the separate message-portals for the respective message-waiting counts for the common user (column 3, lines 25-32).

Regarding **claim 19**, Hanson discloses wherein receiving a respective message-waiting count from a given message-portal comprises:

receiving a signaling message that specifies the respective message-waiting count (column 4, lines 1-8).

Regarding **claim 20**, Hanson discloses wherein receiving a respective message-waiting count from a given message-portal comprises:

receiving a plurality of signaling messages from the given message-portal, the plurality of signaling messages cooperatively defining the respective message-count (column 4, lines 1-8).

Regarding **claim 21**, Hanson discloses reading a stored notification profile for the common user, to identify a user-specific-name for at least a given one of the message-portals (column 3, lines 17-32);

In the spoken summary, referring to the given message-portal by the user-specific name (column 3, lines 17-32).

Regarding **claim 22**, Hanson discloses presenting the spoken summary to the common user during an initial welcome message upon answering the voice call from the common user (column 4, lines 1-8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 3-7 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Skladman et al. (US 6,438,215).

Regarding **claim 3**, Hanson as applied to **claim 1** above differs from **claim 3**, in that it fails to disclose the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal.

However, Skladman teaches wherein the plurality of message portals comprises a portal selected from the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal (column 6, lines 35-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal of Skladman in the invention of Hanson.

The modification of the invention would offer the capability of the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal such as the system would incorporate legacy messaging system.

Regarding **claims 4 and 15**, Skladman teaches to receive update signals from the plurality of message portals, the update signals indicating updates of counts of messages waiting for the user at the plurality of message portals (column 10, lines 9-20).

Regarding **claim 5**, Skladman teaches to update the record based on the update signals (column 10, lines 9-20).

Regarding **claim 6**, Skladman teaches to request message waiting updates from the plurality of message portals, wherein the voice command platform receives the update signals in response (column 10, lines 9-20).

Regarding **claim 7**, Hanson discloses wherein the voice command platform is programmed to periodically poll the plurality of message portals for the message-waiting updates (column 4, lines 1-8).

Response to Arguments

6. Applicant's arguments filed 8/11/2003 have been fully considered but they are not persuasive.

The Applicant stated on page 4, ¶ 3 that Hanson fails to teach a voice command platform providing a consolidated summary of counts of messages waiting for the given user.

The Examiner respectfully disagrees.

Hanson (column 4, lines 1-8), discloses a prompt is played to the user "you have N new messages", which the Examiner interprets the total new messages as a consolidated summary of counts of messages waiting to be read.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Art Unit: 2645

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Gerald Gault
g.g.
October 17, 2003

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER
for
Fan Tsang